

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Pomerantz et al.

Group Art Unit: 1633

Serial No.: 08/973,131

Examiner: Martinell, J.

Filing Date: March 16, 1998

Attorney Docket No.: APV-022.02

For: *Chimeric DNA-Binding Proteins*
Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.

August 23, 1999

By:

Date of Signature and Mail Deposit

Isabelle Clauss
Isabelle Clauss

DECLARATION REGARDING DEPOSIT
OF BIOLOGICAL MATERIALS

Sir:

I, Isabelle M. Clauss, DO HEREBY DECLARE AND SAY:

1. I am a patent agent employed by the law firm of Foley, Hoag, & Eliot, LLP, having its principal place of business at One Post Office Square, Boston, MA 02109. My firm represents ARIAD Pharmaceuticals, Inc., a licensee of the above-referenced patent application, before the U.S. Patent & Trademark Office, in a number of patent applications, including the above-identified application.
2. The biological material disclosed and claimed in this application was deposited with the American Type Culture Collection (ATCC), 12301 Parklawn Drive, Rockville, Maryland, on December 28, 1995, under the following names and accession numbers to assure availability of the biological materials to the public:

NAME

ACCESSION NO.

Plasmid pCGNN-ZFHD1 FKBPX3

ATCC 97399

3. The ATCC has acquired the status of an International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.
4. The above mentioned biological material has been deposited under conditions which insure that access to the cultures will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122.
5. That no later than issuance of a patent on the above-identified patent application, ARIAD Pharmaceuticals, Inc., will irrevocably remove any restrictions as to public availability of each biological material deposit, and will replace the same biological material deposit should it become non-viable, during the period that extends thirty (30) years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five (5) years after the last public request for the deposit, whichever period is longest.
6. I further declare that all statements made herein of my known own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
FOLEY, HOAG, & ELIOT



Isabelle M. Clauss, Ph.D.
Reg. No. (*see enclosed*)

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170
Tel: (617) 832-1000
FAX: (617) 832-7000
Dated: August 23, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joel T. Pomerantz, Phillip A. Sharp and Carl O. Pablo

Atty Docket No.: APV-022.02

Serial No.: 08/973,131

Filed: November 26, 1997

Title: *Chimeric DNA-Binding Proteins***VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

 the owner of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF SMALL BUSINESS CONCERN: ARIAD Pharmaceuticals, Inc.ADDRESS OF SMALL BUSINESS CONCERN : 26 Landsdowne Street, Cambridge, MA 02139

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in the application identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

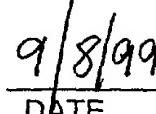
NAME: MASSACHUSETTS INSTITUTE OF TECHNOLOGYADDRESS: 77 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02138 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME/TITLE OF PERSON SIGNING: David L. Bernstein, Vice President and Chief Patent CounselADDRESS OF PERSON SIGNING: ARIAD Pharmaceuticals, Inc., 26 Landsdowne Street
Cambridge, MA, 02138


SIGNATURE



DATE

DECLARATION, PETITION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

(Check one):

- Declaration Submitted with Initial Filing
- Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHIMERIC DNA-BINDING PROTEINS

the specification of which (check one):

- is attached hereto

OR

- was filed on 29 DECEMBER 1995 as PCT International Application Number PCT/US95/16982
- and was amended by PCT Article 19 Amendment on _____
(if applicable)
- and was amended by PCT Article 34 Amendment on 26 July 1996.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

* * * * *

PRIORITY CLAIM

(Check one): no such applications have been filed.
 such applications have been filed as follows:

- 1) **FOREIGN PRIORITY CLAIM:** I hereby claim any foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America listed below, and have also

identified below, by checking the appropriate box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application(s) on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Foreign Filing (mm,dd,yyyy)	Priority not Claimed	Certified Copy Attached Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

2) **PROVISIONAL PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (mm/dd/yyyy)

Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

3) **U.S./PCT PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application(s) is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

US/PCT Application No.	Filing Date (mm/dd/yyyy)	Patent Number (if applicable)
PCT/US95/16982	12/29/1995	
USSN 08/366,083	12/29/1994	

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	John C. Gorecki	Reg. No. 38,471
Beth E. Arnold	Reg. No. 35,430	Edward J. Kelly	Reg. No. 38,936
Matthew P. Vincent	Reg. No. 36,709	Sayoko Blodgett-Ford	Reg. No. 40,516
Charles H. Cella	Reg. No. 38,099	Isabelle M. Clauss	<i>see attached</i>

Send Correspondence to: Patent Group
Foley, Hoag & Eliot, LLP
One Post Office Square
Boston, MA 02109

Direct Telephone Calls to: Isabelle M. Clauss, Ph.D., (617) 832-1177

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor Joel E. POMERANTZ	JOEL L. POMERANTZ
Inventor's signature <i>Joel Pomerantz</i>	Date 9/19/97
Residence 287 Harvard Street #25, Cambridge, Massachusetts 02139	
Citizenship USA	
Post Office Address (if different from above)	

Full name of second inventor Phillip A. SHARP	
Inventor's signature	Date
Residence 36 Fairmont Avenue, Newton Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

Full name of third inventor Carl O. PABO	
Inventor's signature	Date
Residence 18 Weldon Road, Newton, Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

DECLARATION, PETITION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

(Check one):

- Declaration Submitted with Initial Filing
 Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHIMERIC DNA-BINDING PROTEINS

the specification of which (check one):

- is attached hereto

OR

- was filed on 29 DECEMBER 1995 as PCT International Application Number
PCT/US95/16982
- and was amended by PCT Article 19 Amendment on _____
(if applicable)
- and was amended by PCT Article 34 Amendment on 26 July 1996.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

* * * * *

PRIORITY CLAIM

(Check one): no such applications have been filed.
 such applications have been filed as follows:

- 1) **FOREIGN PRIORITY CLAIM:** I hereby claim any foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America listed below, and have also

identified below, by checking the appropriate box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application(s) on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Foreign Filing (mm,dd,yyyy)	Priority not Claimed	Certified Copy Attached Yes No
				<input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

- 2) **PROVISIONAL PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (mm/dd/yyyy)

Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

- 3) **U.S./PCT PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application(s) is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

US/PCT Application No.	Filing Date (mm/dd/yyyy)	Patent Number (if applicable)
PCT/US95/16982	12/29/1995	
USSN 08/366,083	12/29/1994	

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	John C. Gorecki	Reg. No. 38,471
Beth E. Arnold	Reg. No. 35,430	Edward J. Kelly	Reg. No. 38,936
Matthew P. Vincent	Reg. No. 36,709	Sayoko Blodgett-Ford	Reg. No. 40,516
Charles H. Cella	Reg. No. 38,099	Isabelle M. Clauss	<i>see attached</i>

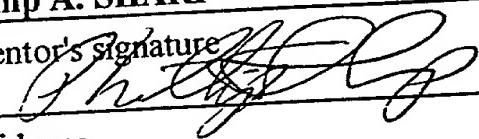
Send Correspondence to: Patent Group
Foley, Hoag & Eliot, LLP
One Post Office Square
Boston, MA 02109

Direct Telephone Calls to: Isabelle M. Clauss, Ph.D., (617) 832-1177

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	
Joel T. POMERANTZ	
Inventor's signature	Date
Residence	
287 Harvard Street #25, Cambridge, Massachusetts 02139	
Citizenship	
USA	
Post Office Address (<i>if different from above</i>)	

Full name of second inventor Phillip A. SHARP	Date
Inventor's signature 	9/17/87
Residence 36 Fairmont Avenue, Newton Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

Full name of third inventor Carl O. PABO	Date
Inventor's signature	
Residence 18 Weldon Road, Newton, Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

DECLARATION, PETITION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

(Check one):

- Declaration Submitted with Initial Filing
 Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CHIMERIC DNA-BINDING PROTEINS

the specification of which (check one):

- is attached hereto

OR

- was filed on 29 DECEMBER 1995 as PCT International Application Number
PCT/US95/16982
- and was amended by PCT Article 19 Amendment on _____
(if applicable)
- and was amended by PCT Article 34 Amendment on 26 July 1996.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulation §1.56.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

* * * * *

PRIORITY CLAIM

(Check one): no such applications have been filed.
 such applications have been filed as follows:

- 1) **FOREIGN PRIORITY CLAIM:** I hereby claim any foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT international application which designated at least one country other than the United States of America listed below, and have also

identified below, by checking the appropriate box, any foreign application for patent or inventor's certificate or any PCT international application having a filing date before that of the application(s) on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Foreign Filing (mm,dd,yyyy)	Priority not Claimed	Certified Copy Attached Yes No
				<input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

- 2) **PROVISIONAL PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Provisional Application Number(s)	Filing Date (mm/dd/yyyy)

Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

- 3) **U.S./PCT PRIORITY CLAIM:** I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of the application(s) is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

US/PCT Application No.	Filing Date (mm/dd/yyyy)	Patent Number (if applicable)
PCT/US95/16982	12/29/1995	
USSN 08/366,083	12/29/1994	

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	John C. Gorecki	Reg. No. 38,471
Beth E. Arnold	Reg. No. 35,430	Edward J. Kelly	Reg. No. 38,936
Matthew P. Vincent	Reg. No. 36,709	Sayoko Blodgett-Ford	Reg. No. 40,516
Charles H. Cella	Reg. No. 38,099	Isabelle M. Clauss	<i>see attached</i>

Send Correspondence to: Patent Group
Foley, Hoag & Eliot, LLP
One Post Office Square
Boston, MA 02109

Direct Telephone Calls to: Isabelle M. Clauss, Ph.D., (617) 832-1177

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Joel T. POMERANTZ	
Inventor's signature	Date
Residence 287 Harvard Street #25, Cambridge, Massachusetts 02139	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

Full name of second inventor Phillip A. SHARP	
Inventor's signature	Date
Residence 36 Fairmont Avenue, Newton Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	

Full name of third inventor Carl O. PABO	
Inventor's signature	Date
Residence 18 Weldon Road, Newton, Massachusetts 02158	
Citizenship USA	
Post Office Address (<i>if different from above</i>)	